

titled "An Act to amend Title CCLXXIX, Section 1, of an act passed by the Thirteenth Legislature of the State of Texas, and approved June 2, 1873, and to provide for filling vacancies in the Board of Trustees of the College of DeKalb, at DeKalb, in Bowie county, Texas, and to create a board of trustees for said college, and providing for filling vacancies in said board and the transaction of the business thereof,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 87, A bill to be entitled "An Act to amend Article 2312 of Title XL, Chapter 4, of the Revised Civil Statutes of the State of Texas, pertaining to the admission of recorded instruments in evidence without proof of their execution, unless an affidavit be filed stating that such instrument of writing is believed to be a forgery; and providing that where such instrument against which an affidavit of forgery has been filed has been duly recorded for more than five years, the burden of proof shall be upon the party for whose benefit such affidavit of forgery is filed, to show such instrument to be a forgery; and providing further, for the admission of such instrument during the trial, the introduction of evidence relating thereto, the determination and trial of such issue raised, as well as for the admission of a certified copy of such instrument in case of loss or inability to procure the original, and regulating the procedure in regard thereto where such affidavit of forgery has been filed; and repealing all laws in conflict herewith, and creating an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 34, A bill to be entitled "An Act to amend Article 3379 of the Revised Civil Statutes of the State of Texas, 1895, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, March 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Concurrent Resolution No. 2, Providing for the appropriation of ten thousand (\$10,000) dollars, or so much thereof as may be necessary to purchase papers, correspondence and books of Judge John H. Reagan, deceased, from Mrs. John H. Reagan, widow,

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 82, A bill to be entitled "An Act to establish the Texas State Board of Pharmacy, and to prescribe the power and duties of said board and to regulate the practice of pharmacy and the licensing of pharmacists and the compounding and sale of medicine, drugs and poisons in the State of Texas, and to provide penalties for any infringement of the provisions of this act, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

FORTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
Tuesday, March 12, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stokes.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	

Absent.

Smith.

Stone.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senator Veale:

Senate bill No. 272, A bill to be entitled "An Act to amend Article 4497, 4498, 4499, 4500, 4501 and 4502 of the Revised Civil Statutes of Texas of 1895, approved March 28, 1899, regulating the furnishing of cars to shippers of freight by rail, and the loading of such cars and the transportation, delivery and unloading of freight in carload lots, and fixing penalties for violation."

Read first time, and referred to Judiciary Committee No. 1.

By Senate Barrett:

Senate bill No. 273, A bill to be entitled "An Act providing that no railroad corporation or other common carrier chartered under the laws of this State, or doing business in this State under a permit in accordance with law, shall issue stock and bonds, except for money paid, labor done or property actually received and all fictitious increase of stock or indebtedness shall be void, and no such railroad corporation or common carrier so chartered or doing business in this State shall issue any certificates of indebtedness, preferred stock or bonds of any kind, pledging the income of such railroad corporation or other common carrier to secure the payment of either the interest or principal of such certificate of indebtedness, preferred stock or bonds, without first securing an order from the Railroad Commission of Texas approving same, and when such certificate of indebtedness, preferred stock or bonds are so authorized by the Railroad Commission of Texas, the same shall not be valid unless registered in the office of the Secretary of State as is required by Chapter 14 of Title 94 of the Revised Civil Statutes of 1895, providing for the regulation of the issuance of railroad stocks and bonds."

Read first time, and referred to Committee on Internal Improvements.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 535, read and referred to Committee on Towns and City Corporations.

House bill No. 459, read and referred to Committee on Educational Affairs.

House bill No. 462, read and referred to Committee on Educational Affairs.

House bill No. 538, read and referred to Committee on Educational Affairs.

House bill No. 508, read and referred to Committee on Roads, Bridges and Ferries.

House bill No. 476, read and referred to Committee on State Affairs.

See captions in Journal of 7th instant, page 524.

Morning call concluded.

SENATE BILL NO. 198.

The Chair laid before the Senate, on second reading, and pending business,

Senate bill No. 198, A bill to be entitled "An Act to amend Articles 5098, 5100, 5120 and 5124 of Chapter 3, Title CIV, of the Revised Civil Statutes of 1895, relating to taxation."

The following amendment by Senator Looney was pending, and the amendment was changed to read as follows:

Amend the bill by adding to Article 5098, page 2, of the printed bill, the following: "And it is further provided, that no suit shall be maintained in any court of this State, on any debt, claim or chose in action, taxable under any law of this State, or sale under any trust and, unless it is made to appear by allegation and proof that the same has been by the owner thereof, or by his agent, regularly rendered for taxation; and it shall be unlawful for the payor of any such debt, claim or chose in action, or the person liable therefor, to agree to pay the taxes that are due or that may accrue thereon."

And amend the caption by adding thereto the following:

"Providing for a correct rendition of all real and personal property at its fair cash value, and forbidding suit or sale under trust and, on any debt, claim or chose in action not rendered for taxation."

(Senator Meachum in the chair.)

Senator Willacy offered the following substitute for the amendment:

Amend the bill by adding to Article 5098, page 2 of the printed bill, the

following: "And it is further provided, that in any suit in any court in this State, on any debt, claim or chose in action, taxable under any law of this State, no judgment shall be enforceable and no execution shall issue until it is shown by proof that all taxes due have been paid upon the amount for which judgment is rendered. Such judgment shall be accepted as the true value of the debt, claim or chose in action subject to taxation, and it shall be unlawful for the payor of any such debt, claim or chose of action, or the person liable therefor to agree to pay the taxes that are due or may accrue thereon."

RECESS.

On motion of Senator Griggs, the Senate, at 12:40 o'clock, recessed until 2:30 o'clock.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Skinner.

FREE CONFERENCE COMMITTEE REPORT.

Committee Room,
Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred

House bill No. 10, A bill to be entitled "An Act to amend Article 359, Chapter 4, Title 10 of the Penal Code of the State of Texas, defining what constitutes a disorderly house, so as to include any house in which spirituous, vinous or malt liquors are sold or kept for sale without first having obtained a license under the laws of the State to retail such liquors."

Have had the same under consideration, and have agreed upon said bill amended so as to read as follows:

H. B. No. 10.

By Wolfe.

A BILL

To Be Entitled

An Act to amend Article 359, Chapter 4, Title 10, of the Penal Code of the State of Texas, defining what constitutes a bawdy house, and a disorderly house, so as to include any assignation house and any house in which spirituous, vinous or malt liquors are sold or kept for sale without having

first obtained a license under the laws of the State to retail such liquors; also adding Article 359a, defining the offense of procurer and providing the punishment therefor; also to amend Articles 361 and 362, Chapter 4, Title 10, of the Penal Code of Texas, stating who shall be guilty of the offense of keeping, being concerned in keeping or permitting to be kept, a bawdy house and a disorderly house, and prescribing the punishment therefor; also by adding Articles 362a and 362b, to prevent by means of the writ of injunction at the suit of the State or any citizen thereof, the habitual, actual, contemplated or threatened use of any premises, place, building or part thereof for the purpose of keeping, or being in any manner interested or responsible for the keeping of a bawdy house or disorderly house, and providing suitable fines and imprisonment for the violation of this act.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 359, 361 and 362, Chapter 4, Title 10, of the Penal Code of the State of Texas be and the same are hereby amended so as to read hereafter as follows; and that Articles 359a, 362a and 362b be added as a part of said chapter and title, to read as follows:

Article 359. A bawdy house is one kept for prostitution or where prostitutes are permitted to resort or reside for the purpose of plying their vocation. A disorderly house is any assignation house or any theatre, play-house or house where spirituous, vinous or malt liquors are kept for sale, and prostitutes, lewd women, or women of bad reputation for chastity are employed, kept in service, or permitted to display or conduct themselves in a lewd, lascivious or indecent manner, or to which persons resort for the purpose of smoking or in any manner using opium, or any house in which spirituous, vinous or malt liquors are sold or kept for sale, without first having obtained a license under the laws of this State to retail such liquors.

An assignation house is a house, room or place where men and women meet by mutual appointment, or by appointment made by another, for the purpose of sexual intercourse, whether at such place, vinous, spirituous or malt liquors are kept for sale, or are used, or not.

Art. 359a. It shall be unlawful for any person to invite, solicit, procure, al-

lure or use any means for the purpose of alluring or procuring any female to visit and be at, any particular house, room or place for the purpose of meeting and having unlawful sexual intercourse with any male person, or to take part, or in any way participate in any immoral conduct with men or women or to use at such place any intoxicating liquors, or to give to any person the name and address, or either, or photograph of any female for the purpose of enabling the person to whom such name, address or photograph of such female is given and furnished to meet and have unlawful sexual intercourse, or to bring about or procure such unlawful sexual intercourse with such female by any other person. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than two hundred dollars, and in addition thereto shall be confined in the county jail not less than one nor more than six months.

Art. 361. Any person who shall directly, or as agent for another or through any agent, keep or be concerned in keeping or aid or assist or abet in keeping a bawdy house or a disorderly house, in any house, building, edifice or tenement, or shall knowingly permit the keeping of a bawdy house or a disorderly house in any house, building, edifice or tenement owned, leased, occupied or controlled by him, directly as agent for another, or through any agent, shall be deemed guilty of keeping or being concerned in keeping or knowingly permitting to be kept, as the case may be, a bawdy house or a disorderly house, as the case may be, and on conviction shall be punished by a fine of two hundred dollars and by confinement in the county jail for twenty days for each day he shall keep, be concerned in keeping or knowingly permit to be kept, such bawdy or disorderly house.

Any owner, lessee, or the agent of either controlling the premises, having information that the premises is being kept, used or occupied as a bawdy or disorderly house shall be held guilty of knowingly permitting the premises to be kept as a bawdy or disorderly house, as the case may be, unless he shall immediately proceed to prevent the keeping, using or occupying of such house, building, edifice or tenement for such purpose by giving such information to the county or district attorney, against the person or persons violating the provisions of this act, or take such

other action as may reasonably accomplish such result.

Art. 362. Any person who shall directly, as agent for another, or through an agent, knowingly employ or have in his service in any capacity, in any theater, play-house, dance-house, or house where spirituous or malt liquors are kept for sale, any prostitute, lewd woman or women of bad reputation for chastity, or permit any such woman to display or conduct herself therein in an indecent manner, shall be guilty of keeping a disorderly house and shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and by confinement in the county jail for twenty days for each day that such person is kept in service or employed or permitted to display or conduct herself as hereinbefore provided.

Art. 362a. The habitual, actual, threatened or contemplated use of any premises, place, building or part thereof, for the purpose of keeping, being interested in, aiding or abetting the keeping of a bawdy or disorderly house, shall be enjoined at the suit of either the State or any citizen thereof.

Any person who may use, or who may be about to use, or who may aid or abet any other person in the use of any premises, place or building or part thereof, may be made a party defendant in such suit; provided that the provisions of this article and Article 362b shall not apply to nor be so construed so as to interfere with the control and regulation of bawds and bawdy houses by ordinances of incorporated towns and cities acting under special charters and where the same are actually confined by ordinance of such city within a designated district of such city.

Art. 362b. The Attorney General and the several district and county attorneys shall institute and prosecute all suits that said Attorney General or such district or county attorney may deem necessary to enjoin such use; provided that such suit may be brought and prosecuted by any one of such officers; and provided further, that nothing in the above proviso contained shall prevent such injunction from issuing at the suit of any citizen of this State who may sue in his own name, and such citizen shall not be required to show that he is personally injured by the acts complained of, and the procedure in all cases brought hereunder shall be the same as in other suits for injunction, as near as may be; provided that when the suit is brought in the name of the State by

any of the officers aforesaid, the petition for injunction need not be verified.

Sec. 2. Be it further enacted that all laws in conflict herewith are hereby repealed.

Sec. 3. The fact that there is no adequate remedy to suppress disorderly houses in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be of force from and after its passage, and it is so enacted.

GREEN,
GRIGGS,
LOONEY,
SKINNER,
On Part of Senate.
WOLFE,
FULLER,
DAVIS of Brazos,
RAY,
On Part of House.

(Senator Chambers in the chair.)

EXCUSED.

On motion of Senator Meachum, Senator Stone was excused from attendance upon the Senate for today and tomorrow, on account of business.

On motion of Senator Griggs, Senator Watson was excused from attendance upon the Senate for yesterday and last Friday, on account of sickness in family.

On motion of Senator Looney, Senator Harper was excused from attendance upon the Senate for yesterday, on account of business.

SENATE BILL NO. 198.

Action recurred on Senate bill No. 198, the question being on the substitute by Senator Willacy for the amendment by Senator Looney.

Senator Willacy withdrew the substitute and Senator Looney withdrew the amendment.

Senator Looney offered the following amendment:

Amend the bill by adding to Article 5098, page 2 of the printed bill the following:

"And it is further provided, that no suit at law or equity shall be maintained in any court of this State on any debt, claim, chose in action or credit of any character which is taxable under any law of this State, unless it is made to appear by allegation and proof that the same has been by the owner thereof or by his agent regularly rendered for

taxation at its true value, and it shall be unlawful for the payor of any such debt, claim, chose in action or credit or the person liable therefor, to agree to pay the taxes that are due or that may accrue thereon; and provided further, that no sale under any power of sale contained in any trust deed, mortgage or other instrument, shall be valid unless the debt, claim or chose in action, taxable by law and secured thereby, shall have first been regularly rendered for taxation at its true value; and provided further, that where any such debt, claim, chose in action or credit is of a value less than its face, the same shall only be required to be rendered for its true, as distinguishable from, its face value, and provided further, that when any owner of any such properties has failed to render the same for taxation for any number of preceding years he shall have the privilege to have the same placed on the assessor's rolls for taxation for the preceding years."

(Lieutenant Governor Davidson in the chair.)

Senator Meachum offered the following amendment to the amendment:

Amend the amendment by adding after the word "years" in the last line of said amendment, the following:

"And provided further, that where any person shall acquire any such properties which shall not have been so rendered for taxes, or upon which the taxes have not been paid for such preceding years, such person so acquiring said properties shall have the right to have said properties listed for such preceding year, or years, and it shall be the duty of the tax collector of the county where said owner of said properties resides to assess the said properties as hereinbefore provided for such preceding year or years, place such assessment upon a supplemental roll, kept for this purpose, and issue to said owner of said properties his receipt or receipts therefor and such receipt or receipts under the seal of said tax collector shall be conclusive evidence of the payments of such taxes as therein recited."

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 8, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXX, of the Revised Civil Statutes of the State of Texas, relating to charges and instructions to juries."

House bill No. 15, A bill to be entitled "An Act providing for the health and safety of persons in and around mines and for creating a State Mining Board and the office of State Mining Inspector, and defining the duties of such inspector."

Senate bill No. 45, A bill to be entitled "An Act on the subject of private corporations organized for the purpose of owning, maintaining and caring for public or private cemeteries, defining their powers and exempting the same from certain provisions of the statutes of this State."

House Joint Resolution No. 18, Amending Section 9, Article 8, of the Constitution of the State of Texas by adding thereto a section to be known as Section 9a, increasing the amount of tax that may be voted for the purpose of improving public roads, and to allow counties or political subdivisions of counties by a majority vote of the qualified property tax paying voters of the county, or subdivisions thereof, voting at all elections to be held for that purpose, to adopt same.

House bill No. 13, A bill to be entitled "An Act to regulate the sale and disposition of intoxicating liquors at retail, and to provide penalties for its violation; providing for the execution of a bond prescribing remedies thereon and the conditions thereof, and repealing all laws in conflict with this act," with engrossed rider.

House bill No. 48, A bill to be entitled "An Act for the protection of stockraisers, farmers, horticulturists; providing for the destruction of wolves and other wild animals, to make an appropriation therefor, and to repeal all laws and parts of laws in conflict therewith."

House bill No. 77, A bill to be entitled "An Act making it a misdemeanor to abandon or willfully neglect to provide for the support and maintenance by any person of his wife, or his or her minor children in destitute or necessitous circumstances."

House bill No. 102, A bill to be entitled "An Act to amend Article 790, Title VII, of the Code of Criminal Procedure of Texas, relating to evidence."

House bill No. 120, A bill to be entitled "An Act validating the diploma of the Texas Industrial Institute and College for the Education of White Girls

of the State of Texas in the Arts and Sciences, as a first grade State teacher's certificate; providing for the validation or extension of such diploma as a permanent State teacher's certificate, and authorizing school trustees to employ the holders of such diplomas as teachers, and to pay them from the State, county and local funds."

House bill No. 142, A bill to be entitled "An Act to dispense with liquidated mortgages without the cost of cancellation, and to relieve the county vaults of worthless paper, with an emergency clause."

House Concurrent Resolution No. 21, requesting the Governor to return House bill No. 3 to the House for correction.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 21.

Senator Looney called up, as a privilege matter,

House Concurrent Resolution No. 21, requesting the Governor to return House bill No. 3 to the House for correction.

The resolution was read, and adopted.

Senator Looney moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 198.

Action recurred on Senate bill No. 198, the question being on the amendment to the amendment.

Senator Looney moved the previous question on the amendment and the amendment to the amendment, which motion was seconded and was ordered.

The amendment to the amendment was adopted by the following vote:

Yeas—29.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stokes.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	

Smith. Absent.
Absent—Excused.
Stone.

The amendment, as amended, was then adopted by the following vote:

Yeas—17.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Cunningham.	Looney.
Glasscock.	Mayfield.
Green.	Meachum.
Griggs.	Paulus.
Grinnan.	Terrell.
Harper.	

Nays—12.

Chambers.	Senter.
Faust.	Skinner.
Greer.	Stokes.
Harbison.	Veale.
Masterson.	Watson.
Murray.	Willacy.

Absent.

Smith.
Absent—Excused.
Stone.

Senator Harbison offered the following amendment:

Amend the bill, page 1, by striking out the following words in lines 24 and 25: "And that the property above listed has been rendered by me at its fair cash market value," and striking out the words: "And that such property has been rendered at its reasonable cash market value," in lines 32, page 1, and line 1, page 2.

HARBISON,
HARPER.

Senator Alexander moved the previous question on the amendment, which motion was seconded, and was ordered.

Question recurred on the amendment, and the same was lost by the following vote:

Yeas—7.

Barrett.	Harper.
Chambers.	Murray.
Faust.	Senter.
Harbison.	

Nays—19.

Alexander.	Greer.
Brachfield.	Griggs.
Cunningham.	Holsey.
Glasscock.	Hudspeth.
Green.	Kellie.

Looney.	Terrell.
Mayfield.	Veale.
Meachum.	Watson.
Paulus.	Willacy.
Stokes.	

Absent.

Grinnan.	Skinner.
Masterson.	Smith.

Absent—Excused.

Stone.

REFUSE TO ADJOURN.

Senator Meachum moved that the Senate adjourn until tomorrow morning, at 10 o'clock, and the motion was lost by the following vote:

Yeas—12.

Glasscock.	Meachum.
Greer.	Murray.
Harbison.	Paulus.
Harper.	Senter.
Holsey.	Watson.
Looney.	Willacy.

Nays—14.

Alexander.	Grinnan.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Mayfield.
Faust.	Stokes.
Green.	Terrell.
Griggs.	Veale.

Absent.

Cunningham.	Skinner.
Masterson.	Smith.

Absent—Excused.

Stone.

SENATE BILL NO. 198.

Action recurred on Senate bill No. 198, and Senator Senter offered the following amendment:

Amend the bill by adding to Article 5098, page 2, of the printed bill as amended, the following words:

"And it is further provided, that no person, firm or corporation owning any property taxable under any laws of this State shall maintain any suit or action at law or equity in any court of this State unless it shall appear by allegation and proof that all such property so owned by such person, firm or corporation which should have been rendered under the laws of the State for taxation during the twelve months immediately preceding the filing of said suit or action

has been truly rendered as required by law."

Pending.

EXECUTIVE MESSAGE.

Austin, Texas, March 12, 1907.

To the Senate:

Complying with your request contained in Senate Concurrent Resolution No. 11, I have the honor to return you herewith, House bill No. 513 for correction.

T. M. CAMPBELL,
Governor.

HOUSE BILL NO. 513.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 198) was suspended, and the Senate took up, out of its order, House bill No. 513 for correction.

(Note.—This bill had been finally passed and was returned, by resolution, from the Governor for correction.)

The Chair laid before the Senate, for correction,

House bill No. 513, "An Act to validate sales of school lands to actual settlers in such cases as the applicant or assignee did not settle within the time required by law or did not file within the time required by law the affidavit of settlement, but did settle and continue to reside upon the land in good faith."

Senator Hudspeth moved that the Senate rescind the vote by which this bill finally passed the Senate.

The motion to rescind prevailed.

Senator Hudspeth moved that the Senate rescind the vote by which this bill passed to a third reading.

The motion prevailed.

Senator Hudspeth offered the following amendment, which was adopted:

Amend the caption of House bill No. 513 by striking out all after the words "A bill to be entitled," and insert in lieu thereof the following: "An Act to validate sales of school lands to actual settlers in such cases as the applicant did settle on the land within the time required by law, but did not file in the General Land Office the affidavit of settlement within the time required by law, but did settle and in person or by legally substituted assignee continue to reside upon the land in good faith."

Senator Hudspeth offered the following amendment, which was adopted:

Amend Section 1 of the House bill No. 513, by striking out all after the enacting clause and insert the following:

"In all cases where persons have made valid applications to purchase land on the condition of becoming an actual settler thereon within ninety days after day of acceptance and award under the Act of April 15, 1905, and the land was subject to sale and the application was accepted and award was issued as required by law, and the applicant did become in person an actual bona fide settler on the land within the time required by law, but did not file in the General Land Office the required affidavit of settlement within the time required by law, but did file the affidavit, and such purchaser, or his legal assignee, has continued to reside thereon, then, and in that event, such settlement and attempted purchases are hereby declared to be valid. Nothing herein shall be construed to affect any rights of persons who have actually filed (not simply deposited in sealed envelopes) in the Land Office legal purchase applications for the same land prior to the taking effect of this act."

Bill read second time, and passed to a third reading.

On motion of Senator Hudspeth the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Terrell.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	

Nays—1.

Harbison.

Absent.

Masterson.

Smith.

Absent—Excused.

Stone.

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Brachfield.
Barrett.	Chambers.

Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Stokes.
Harper.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—1.

Harbison.

Absent.

Masterson.

Smith.

Absent—Excused.

Stone.

REFUSE TO ADJOURN.

Senator Chambers moved that the Senate adjourn until tomorrow morning at 10 o'clock, and the motion was lost.

SENATE BILL NO. 82.

On motion of Senator Holsey, the pending order of business (Senate bill No. 189) was suspended, and the Senate took up, out of its order, Senate bill No. 82, by the following vote:

Yeas—23.

Alexander.	Looney.
Barrett.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Stokes.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Nays—4.

Brachfield.	Griggs.
Chambers.	Terrell.

Absent.

Harbison.

Smith.

Masterson.

Absent—Excused.

Stone.

The Chair laid before the Senate, on third reading,

Senate bill No. 82, A bill to be entitled "An Act to establish the Texas State Board of Pharmacy, and to pre-

scribe the power and duties of said board, and to regulate the practice of pharmacy, and the licensing of pharmacists and the compounding and sale of medicines, drugs and poisons in the State of Texas, and to provide penalties for any infringement of the provisions of this act, and to repeal all laws in conflict herewith."

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Terrell.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.

Nays—3.

Chambers.	Stokes.
Murray.	

Absent.

Harbison.	Smith.
Masterson.	

Absent—Excused.

Stone.

Senator Holsey moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 230.

On motion of Senator Glasscock, the pending order of business (Senate bill No. 198) was suspended, and the Senate took up, out of its order, Senate bill No. 230.

The Chair laid before the Senate, on second reading,

Senate bill No. 230, A bill to be entitled "An Act to create a more efficient road system for Burnet county."

The committee report, which provided that the bill be not printed, was adopted, on motion of Senator Glasscock.

Senator Glasscock offered the following amendment, which was adopted:

Amend by striking out Section 3 of the bill and inserting in lieu thereof, the following:

"Section 3. The commissioners court shall have authority to employ hands

and teams to work on the public roads of Burnet county, under such regulations and for such price as they may deem proper, not to exceed two dollars and fifty cents per day of eight hours for a team and driver, and not to exceed one dollar per day for each hand, and no road hand shall be required to work more than eight hours per day."

Senator Glasscock offered the following amendment, which was adopted:

Amend Section 24 of the bill by adding thereto, the following words after the word "county" where it appears in line 5, in Section 24:

"The bonds authorized to be issued by this section shall be issued in conformity with the General Laws of the State of Texas, relating to the issuance of county bonds; provided, no election shall be required to authorize the commissioners court to issue bonds to the amount of five thousand dollars."

Bill read second time, and ordered engrossed.

On motion of Senator Glasscock the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stokes.
Grinnan.	Terrell.
Harper.	Veale.
Holsey.	Willacy.
Hudspeth.	Watson.

Nays—1.

Chambers.

Absent.

Harbison. Smith.
Masterson.

Absent—Excused.

Stone.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Glasscock.
Barrett.	Green.
Brachfield.	Greer.
Cunningham.	Griggs.
Faust.	Grinnan.

Harper.	Paulus.
Holsey.	Senter.
Hudspeth.	Skinner.
Kellie.	Stokes.
Looney.	Terrell.
Mayfield.	Veale.
Meachum.	Watson.
Murray.	Willacy.

Nays—1.

Chambers.

Absent.

Harbison. Smith.
Masterson.

Absent—Excused.

Stone.

Senator Glasscock moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 173, "An Act to amend the city charter of Dallas and the acts amendatory of said city charter of the city of Dallas and to amend an act to incorporate the city of Dallas and to grant it a new charter, approved May 9, 1899, and the acts amendatory of said act, by adding thereto Section 120b and by confirming, ratifying and validating certain series of municipal coupon bonds issued by the city of Dallas by virtue of certain ordinances passed by the city council of the city of Dallas under the charter of the city of Dallas."

Senate bill No. 137, "An Act to amend Article 5043, Chapter 6, Title CII, Revised Statutes of the State of Texas, so as to place Swisher county under the operation of the stock inspection law, as found in Articles 5002 to 5043, inclusive, as amended by the Twenty-sixth Legislature, Chapter 119, and declaring an emergency."

Senate bill No. 197, "An Act creating the Kosse Independent School District in Limestone county, Texas," etc.

Senate bill No. 196, "An Act to restore and confer upon the county court of Lipscomb county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Senate bill No. 74, "An Act to validate and legalize all sales of real estate belonging or that belonged to Coleman county, situated in the town of Coleman, in Coleman county, heretofore made at private sale for and in behalf of said county by J. F. Miles and W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county, by orders entered upon its minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales."

House Concurrent Resolution No. 21, requesting the Governor to return House bill No. 3 to the House for correction.

ADJOURNMENT.

On motion of Senator Kellie, the Senate, at 6:15 o'clock, adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITIONS.

By Senator Watson:

To the Hon. Q. U. Watson:

We, the undersigned citizens of Burleson county, Texas, respectfully request you to use all fair means to prevent our county being put under the stock law. This would be a great injustice to the poor people of this county, and the only ones that would benefit by it would be the railway company, who would thereby be virtually exempt from liability for the cattle and stock they killed. We have a vast amount of open country that we need the cattle to run on. If we take the cattle off the range, the weeds and grass in this open territory and on our roads would soon be as high as the fences.

Numerously signed by citizens from different parts of Burleson county, there being six of the petitions.

By Senator Faust:

To the Senate and House of Representatives, Austin, Texas.

We, the undersigned citizens of Martindale, Caldwell county, Texas, hereby respectfully request that Mr. Gaines' House bill No. 306, pertaining to cock fighting, be enacted into law. In this county there are maintained several pits

where cock fighting is permitted on Sunday, and these pits are public nuisances and corruptors of public morals.

Numerously signed.

By Senator Paulus:

Schulenburg, Texas, March 9, 1907.

To the Hon. D. A. Paulus:

The undersigned subscribers believe that some legislation is necessary to check the alarming growth of gambling in futures, but at the same time we do not wish to deprive ourselves of the benefit of market information. We, therefore, respectfully request that you support and use your best efforts to secure the passage of a reasonable measure, such as the Watson-McGregor bill now before the Legislature, which will remove the gambling features from future dealings and leave the legitimate features unchanged, which we believe to be beneficial and to the best interest of the farmers of the State.

Numerously Signed.

COMMITTEE REPORTS.

(Floor Report.)

Committee Room,

Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 424, A bill to be entitled "An Act to amend Section 7, Chapter 38, Special Road Law for Hood county, Texas, relating to exemption from road duty,"

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

Green, Chairman; Harper, Veale, Mayfield, Watson, Glasscock.

Committee Room,

Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

Senate bill No. 244, A bill to be entitled "An Act authorizing the Governor of Texas and the Superintendent of Public Buildings and Grounds to expend the sum of \$10,000, or so much thereof as may be necessary, in purchasing and having erected a suitable monument of Texas granite over the grave of General Sam Houston, at

Huntsville, Texas, having said grave enclosed by a suitable iron fence, and for improving and properly caring for such grave, providing an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and that it be not printed.

Willacy, Chairman; Faust, Green, Stokes, Barrett, Murray, Meachum, Paulus, Skinner, Masterson.

(Floor Report.)

Committee Room,
Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 268, A bill to be entitled "An Act providing for the listing and valuing of property for the purposes of taxation; defining duties of assessors and deputy assessors; prescribing rules for determining the value of property; prescribing rules to govern commissioners' courts when sitting as a board of equalization; prescribing additional oaths to be administered to tax assessors and deputy tax assessors, county judges and county commissioners, and providing penalties for violation thereof, and declaring an emergency,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass.

Stone, Chairman; Veale, Harper, Grinnan, Paulus, Meachum, Griggs, Chambers.

(Floor Report.)

Committee Room,
Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 267, A bill to be entitled "An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, in Hall county, Texas, and other lands and territory adjacent thereto to incorporate as an independent school district for free school purposes only, to be known as Estelline Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Veale, Kellie, Meachum, Senter, Green, Glasscock, Harper, Paulus, Grinnan.

(Floor Report.)

Committee Room,
Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 538, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the city of Sulphur Springs, in the county of Hopkins, and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Harper, Green, Greer, Grinnan, Kellie, Paulus, Glasscock.

Committee Room,
Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Substitute bill No. 6, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Company now owned and hereafter acquired and the railroads and all other properties of the Gulf & Interstate Railway Company of Texas now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company and as a part of its own lines, and to extend the said railroads and to construct branches therefrom, by amendment to its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties to sell the same, or any part thereof, to the Gulf, Colorado & Santa Fe Railway Company, and until such purchases are made, to authorize

the lease by the Gulf, Colorado & Santa Fe Railway Company, until acquired by it, or canceled as provided herein or by existing acts, to guarantee the payment of the bonds heretofore or hereafter issued, and the interest thereon, of the Texas & Gulf Railway Company, the Gulf, Beaumont & Great Northern Railway Company, the Gulf, Beaumont & Kansas City Railway Company and the Gulf & Interstate Railway Company of Texas, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 170, A bill to be entitled "An Act to amend Section 7, Chapter 10, of the General Laws of Texas of 1905, Acts of the First Called Session Twenty-ninth Legislature, in reference to the reserve fund to be kept by State banks, and providing an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 215, A bill to be entitled "An Act to amend Article 2312, relating to evidence as set forth in an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed at the Regular Session of the Twenty-fourth Legislature of Texas, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 165, A bill to be entitled "An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island

across Galveston Bay, to connect, as part of the roadways of the county on the island and the mainland and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations using said structure to buy the bonds issued by the county and to lease right of easement of user of portion of said structure from such county on terms agreed on with the county commissioners court, and with emergency clause,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 11, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 152, A bill to be entitled "An Act defining 'burglary with explosives,' prescribing penalty for the commission thereof, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 57, A bill to be entitled "An Act changing the official title of Fish and Oyster Commissioner, to Fish, Oyster and Game Commissioner, supplementing assistants, providing for hunting license; providing how the money received from the sale of hunting license shall be used, providing for the protection and propagation of wild game, wild birds, wild fowls, providing for the enforcement of all game laws, and providing penalties for the violation thereof, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 10,

Resolved by the Senate, the House of Representatives concurring, That the Legislature of Texas hereby accepts the date fixed by the Hon. W. J. Bryan to address the Legislature of Texas and the citizens of Texas, at the State Capitol building, on the 29th day of March, 1907. Be it further

Resolved, That the Governor, the Speaker of the House of Representatives and the Lieutenant Governor, together with five members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Lieutenant Governor, shall constitute a reception committee to our distinguished guest on that occasion.

Glasscock, Alexander, Barrett, Brachfield, Chambers, Cunningham, Faust, Green, Greer, Griggs, Grinnan, Harbison, Harper, Holsey, Hudspeth, Kellie, Looney, Masterson, Mayfield, Meachum, Murray, Paulus, Senter, Skinner, Smith, Stokes, Stone, Terrell, Veale, Watson, Willacy.

And find it correctly enrolled, and have this day at 9:05 o'clock a. m., presented same to the Governor for his approval.

MASTERTON, Chairman.

Committee Room,
Austin, Texas, March 12, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 11, Be it resolved by the Senate, the House of Representatives concurring, That the Governor be requested to return House bill No. 513 to the Senate, for correction,

And find it correctly enrolled, and have this day, at 9:05 o'clock a. m., presented same to the Governor for his approval.

MASTERTON, Chairman.

FORTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 13, 1907.

Senate met pursuant to adjournment. President Pro Tem. Skinner in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Chambers.
Barrett.	Cunningham.
Brachfield.	Faust.

Glasscock.	Mayfield.
Green.	Meachum.
Greer.	Murray.
Griggs.	Paulus.
Grinnan.	Senter.
Harbison.	Skinner.
Harper.	Stokes.
Holsey.	Terrell.
Kellie.	Veale.
Looney.	Watson.
Masterson.	Willacy.

Absent.

Hudspeth.	Smith.
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Absent—Excused.

Stone.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Tuesday, on motion of Senator Mayfield, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senators Alexander and Terrell:

Senate bill No. 274, A bill to be entitled "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

BILLS READ AND REFERRED.

The Chair (President Pro Tem. Skinner) had read and referred, after their captions had been read, the following House bills:

House bill No. 540, to Committee on Roads, Bridges and Ferries.

House bill No. 391, to Committee on Roads, Bridges and Ferries.

House bill No. 507, to Committee on Roads, Bridges and Ferries.

House bill No. 474, to Committee on Roads, Bridges and Ferries.

House bill No. 497, to Committee on Roads, Bridges and Ferries.

House bill No. 488, to Committee on Roads, Bridges and Ferries.

House bill No. 527, to Committee on Roads, Bridges and Ferries.

House bill No. 449, to Committee on Roads, Bridges and Ferries.

House bill No. 470, to Committee on Educational Affairs.

House bill No. 533, to Committee on Educational Affairs.